

REMARKS

Applicants have studied the Office Action dated September 6, 2005 and have made amendments to the claims. It is submitted that the application, as amended, is in condition for allowance. By virtue of this amendment, claims 1-20 are pending. Claims 1-9 have been amended, and new claims 10-20 have been added. Reconsideration and allowance of the pending claims in view of the above amendments and the following remarks are respectfully requested.

The specification has been amended to add the proper section headings. No new matter has been added.

Claims 4 and 5 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have amended claim 4 in light of the specific comments of the Examiner, and submit that all pending claims are now clear and definite. Therefore, it is respectfully submitted that the rejection of claims 4 and 5 under 35 U.S.C. § 112, second paragraph, should be withdrawn.

Claims 1-5 and 8 were rejected under 35 U.S.C. § 102(b) as being anticipated by Faul (U.S. Patent No. 4,036,527). This rejection is respectfully traversed.

Applicants cannot properly respond to a rejection containing only general and conclusory allegations that the cited reference reads on some or all of the limitations of each of the claims. Applicants respectfully request that, when making any rejections, the Examiner specifically explain how the cited reference teaches each limitation of each rejected claim, with the necessary citations to where such teachings can be found in the cited reference, so that Applicants can fully understand and properly respond to such rejections.

To make out a prima facie case of anticipation under 35 U.S.C. § 102(b), the Examiner must show that every limitation of every rejected claim is taught by the cited reference. In the present Office Action, the Examiner only recited some of the claimed features for each claim and stated that the cited reference showed those features. However, these are no more than conclusory statements. To be proper, a rejection must cite to the specific part of the cited reference that teaches each of the individual limitations of each rejected claim. Because the Examiner failed to demonstrate with proper citations that the cited reference taught every limitation of each of the claims, it is submitted that the Examiner has failed to make out a prima facie case of anticipation with respect to any of the claims.

The present invention is directed to an improved backrest for an automobile vehicle seat. One embodiment provides a backrest that includes a framework, a padding, a padding cover, a screen for a rear face of the backrest, and a rigid back panel shield frame having at least two lateral sides and a bottom side. The padding cover covers the padding and a front face and sides of the backrest, and covers at least a portion of the shield frame. The shield frame is attached to the framework of the backrest so as to cover the lateral edges of the framework and a bottom part of the rear of the backrest. The shield frame includes, towards an inner edge, at least one groove for accommodating and holding an edge of the padding cover and an edge of the screen.

Because such a rigid back panel shield frame is provided, there can be eliminated the volumes of padding foam that are conventionally required to define the shapes and the style of the seat. Additionally, such a shield frame allows symmetrical shapes to be easily obtained for the two sides of the backrest even if the framework does not have such a symmetry. Such a shield frame also provides great freedom in the design and allows accurate positioning of the screen to be ensured in relation to the framework so as to provide more space for the knees of the rear passenger. See specification at 2:33-3:12.

The Faul reference is directed to frameless seats that have a sheet metal seat pan securely attached to a sheet metal back pan. However, Faul does not disclose a backrest of a seat that includes a framework, a padding cover covering a padding and a front face and sides of the

backrest, and a rigid back panel shield frame attached to the framework of the backrest so as to cover lateral edges of the framework and a bottom part of the rear of the backrest, with the shield frame including at least one groove to accommodate and hold an edge of the padding cover, as is recited in amended claim 1.

The Faul reference is directed to frameless seats that can be attached without frame members. As shown in Figure 2, the seat of Faul has a sheet metal seat pan 10 securely attached to a sheet metal back pan 12. A padding member 22 covers only part of the front of the back pan 12, and a seat padding member 42 covers only part of the top of the seat pan 10. A first back-up pan 44 is attached to the bottom of the seat pan 10, and a second back-up pan 45 is attached to the back of the back pan 12. A rear cover panel 68 is attached behind the second back-up pan 45, as shown in Figure 6.

In contrast, preferred embodiments of the present invention provide a backrest that includes a framework. For example, in the exemplary embodiment that is shown in Figures 1-8, the framework is a metallic framework 21 that is formed by a tubular upper crossmember 23, two lateral uprights 22, and a lower crossmember 24. The back panel shield frame 6 is attached to this framework. The seats disclosed in Faul are "frameless" seats that do not have a frame. See Faul at 3:33-36 and 14:47-49. Faul actually teaches away from providing a frame. See Faul at 1:22-2:2. Thus, Faul cannot possibly disclose the claimed features of a framework and a back panel shield frame attached to the framework.

Additionally, the backrest of preferred embodiments of the present invention includes a padding cover that covers the padding, a front face and sides of the backrest, and at least a portion of a rigid back panel shield frame. The shield frame covers lateral edges of the framework and a bottom part of the rear of the backrest, and includes at least one groove for accommodating and holding an edge of the padding cover and an edge of a screen for a rear face of the backrest. Because the backrest has such a padding cover and such a back panel shield frame, there can be eliminated the volumes of padding foam that are conventionally required to

define the shapes and the style of the seat. Additionally, such a shield frame allows symmetrical shapes to be easily obtained for the two sides of the backrest even if the framework does not have such a symmetry. Such a shield frame also provides great freedom in the design and allows accurate positioning of the screen to be ensured in relation to the framework so as to provide more space for the knees of the rear passenger. See specification at 2:33-3:12.

Faul does not disclose such a padding cover or such a back panel shield frame. The seats disclosed in Faul only have padding members that partially cover the back pan and the seat pan. The rear cover panel of the seat disclosed in Faul does not covers lateral edges of a framework and does not contain a groove that accommodates and holds an edge of the padding cover. Thus, Faul also fails to disclose these claimed features of the present invention.

Further, the Examiner has not even alleged that Faul discloses a shield frame that is adapted to be attached to the framework of the backrest so as to cover lateral edges of the framework and a bottom part of the rear of the backrest, or that Faul discloses that a shield frame having a groove that is adapted to accommodate and hold an edge of the padding cover and an edge of the screen, or that Faul discloses a padding cover that covers at least a portion of a shield frame. The Examiner cannot just ignore claim limitations. To make out a prima facie case of anticipation under 35 U.S.C. § 102(b), the Examiner must show that every limitation recited in the claim is taught by the cited reference. Because the Examiner did not even allege that Faul shows these claimed features, the Examiner has failed to make out a prima facie case of anticipation.

Nowhere does Faul teach or suggest a seat backrest that includes a framework and a padding cover that covers padding, a front face and sides of the backrest, and at least a portion of a rigid back panel shield frame, with the shield frame covering lateral edges of the framework and including at least one groove for accommodating and holding an edge of the padding cover and an edge of a screen for a rear face of the backrest. Applicants believe that the differences between Faul and the present invention are clear in amended claim 1, which sets forth a backrest

according to one embodiment of the present invention. Therefore, claim 1 distinguishes over the Faul reference, and the rejection of this claim under 35 U.S.C. § 102(b) should be withdrawn.

As discussed above, amended claim 1 distinguishes over the Faul reference, and thus, claims 2-5 and 8 (which depend from claim 1) also distinguish over the Faul reference. Therefore, it is respectfully submitted that the rejection of claims 1-5 and 8 under 35 U.S.C. § 102(b) should be withdrawn.

Further, as recognized by the Examiner, claim 1 is a generic claim. It is submitted that generic claim 1 is allowable over the art of record, and thus claims 6, 7, and 9 depending therefrom should also be considered and allowed.


Claims 10-20 have been added by this amendment, and are provided to further define the invention disclosed in the specification. Claims 10-20 are allowable for at least the reasons set forth above with respect to claims 1-5 and 8.

Applicants have examined the references cited by the Examiner as pertinent but not relied upon. It is believed that these references neither disclose nor make obvious the invention recited in the present claims. In view of the foregoing, it is respectfully submitted that the application and the claims are in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is invited to call the undersigned attorney at (561) 989-9811 should the Examiner believe a telephone interview would advance the prosecution of the application.

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Respectfully submitted,

By: 

Stephen Bongini
Registration No. 40,917
Attorney for Applicants

FLEIT, KAIN, GIBBONS,
GUTMAN, BONGINI & BIANCO P.L.
One Boca Commerce Center
551 Northwest 77th Street, Suite 111
Boca Raton, Florida 33487
Telephone: (561) 989-9811
Facsimile: (561) 989-9812